

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

TEXTILE COMPUTER SYSTEMS, INC.,

Plaintiff,

v.

BROADWAY NATIONAL BANK D/B/A  
BROADWAY BANK, FISERV, INC.,  
FISERV SOLUTIONS, LLC, U.S.  
BANCORP, AND U.S. BANK NATIONAL  
ASSOCIATION D/B/A ELAN  
FINANCIAL SERVICES,

Defendants.

CIVIL ACTION NO. 6:21-1050-ADA

**JURY TRIAL DEMANDED**

**ANSWER TO FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant Fiserv Solutions, LLC (“Defendant”) responds to Plaintiff Textile Computer Systems, Inc. (“Plaintiff”)’s First Amended Complaint (“FAC”). Where an allegation below refers to “Defendants” without specifying Fiserv Solutions, LLC specifically, Defendant answers only as to itself and lacks knowledge or information sufficient to allow it to form an opinion as to the conduct of any of the other Defendants in this matter.<sup>1</sup> To the extent not specifically admitted or otherwise addressed herein, Defendant denies the allegations of the FAC. To the extent any factual allegation below is admitted, it is admitted only as to the specific admitted fact, not as to any purported conclusions, characterizations, implications, or speculation that arguably may follow from the admitted facts.

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<sup>1</sup> Although Plaintiff refers to Fiserv, Inc. and Fiserv Solutions, LLC collectively as “Fiserv,” *see* FAC at 1, Fiserv, Inc. is not a proper party and has filed a motion to dismiss for improper venue. Therefore, all of Defendant’s references to “Defendant” or “Fiserv” exclude Fiserv, Inc.

**PARTIES**

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

8. Defendant admits that Fiserv, Inc. is a corporation organized and existing under the laws of Wisconsin and may be served with process through its registered agent.

9. Defendant admits that Fiserv Solutions, LLC. is a limited liability company organized and existing under the laws of Wisconsin and may be served with process through its registered agent.

10. Defendant admits that Fiserv Solutions, LLC is a subsidiary of Fiserv, Inc.

11. Defendant admits that the referenced 10-K Annual Report contains the language quoted in Paragraph 11 of Plaintiff's FAC. Defendant otherwise denies the allegations set forth in this paragraph.

12. Defendant admits that the referenced 10-K Annual Report contains the language quoted in Paragraph 12 of Plaintiff's FAC. Defendant otherwise denies the allegations set forth in this paragraph.

13. Denied.

14. Defendant admits that it has contracts with customers and payment networks regarding equipment or services offered by Defendant. Defendant otherwise denies the allegations set forth in this paragraph.

15. This paragraph consists of conclusions of law to which no response is required. To the extent a further response is required, denied.

16. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

18. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

19. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

20. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

21. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

22. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

23. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

24. Denied.

### **JURISDICTION AND VENUE**

25. Paragraph 25 of Plaintiff's FAC sets forth conclusions of law to which no response is required. To the extent a response is deemed to be required, Defendant admits that this action purports to arise under the United States patent laws, including Title 35, United States Code.

26. Paragraph 26 of Plaintiff's FAC sets forth conclusions of law to which no response is required. To the extent a response is required, however, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 26 of Plaintiff's FAC, and on that basis denies such allegations.

27. Paragraph 27 of Plaintiff's FAC sets forth conclusions of law to which no response is required. To the extent a response is required, however, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 27 of Plaintiff's FAC, and on that basis denies such allegations.

28. Paragraph 28 of Plaintiff's FAC sets forth conclusions of law to which no response is required. To the extent a response is deemed to be required, however, Defendant states that for purposes of this action only, Defendant does not contest personal jurisdiction in this district. Defendants denies the remainder of the allegations set forth in Paragraph 28 of Plaintiff's FAC.

29. Paragraph 29 of Plaintiff's FAC sets forth conclusions of law to which no response is required. To the extent a response is deemed to be required, however, Defendant denies that Fiserv has a place of business at 8310 North Capital of Texas Hwy, Prominent Pointe, Bldg 2, Suite 250, Austin, Texas 78731. For purposes of this action only, Defendant Fiserv Solutions, LLC does not contest that venue is proper in this district as to itself. Defendant denies the remainder of the allegations set forth in Paragraph 29 of Plaintiff's FAC.

30. Paragraph 30 of Plaintiff's FAC sets forth conclusions of law to which no response is required. To the extent a response is required, however, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 30 of Plaintiff's FAC, and on that basis denies such allegations.

31. Paragraph 31 of Plaintiff's FAC sets forth conclusions of law to which no response is required. To the extent a response is required, however, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 31 of Plaintiff's FAC, and on that basis denies such allegations.

### **BACKGROUND**

32. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 32 of Plaintiff's FAC, and on that basis, denies such allegations.

33. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 33 of Plaintiff's FAC, and on that basis, denies such allegations.

34. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 34 of Plaintiff's FAC, and on that basis, denies such allegations.

**THE TECHNOLOGY**

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 40 of Plaintiff's FAC, and on that basis, denies such allegations.

41. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 41 of Plaintiff's FAC, and on that basis, denies such allegations.

**COUNT I**

**INFRINGEMENT OF U.S. PATENT NO. 8,505,079**

42. Defendant states that the '079 Patent speaks for itself. Defendant otherwise denies the allegations set forth in this paragraph.

43. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

44. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is

required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

45. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

46. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

47. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

48. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

49. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied.

50. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied.

51. Denied.

52. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

53. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

54. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

55. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants,



Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

56. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

57. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

58. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

59. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

60. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

61. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other

allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

62. Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

63. Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

64. Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

65. Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

66. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required with respect to the allegations as to Fiserv Solutions, LLC, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

67. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

68. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other

allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

69. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

70. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

## **COUNT II**

### **INFRINGEMENT OF U.S. PATENT NO. 8,533,802**

71. Defendant states that the '802 Patent speaks for itself. Defendant otherwise denies the allegations set forth in this paragraph.

72. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

73. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to

the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

74. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

75. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

76. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

77. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

78. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied.

79. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied.

80. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied.

81. Denied.

82. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

83. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

84. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

85. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

86. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

87. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

88. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

89. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

90. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants,

Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

91. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

92. Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

93. Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

94. Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

95. Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

96. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required with respect to the allegations as to Fiserv Solutions, LLC, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

97. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants,

Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

98. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

99. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

100. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

### **COUNT III**

#### **INFRINGEMENT OF U.S. PATENT NO. 9,584,499**

101. Defendant states that the '499 Patent speaks for itself. Defendant otherwise denies the allegations set forth in this paragraph.

102. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.



103. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

104. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

105. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

106. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

107. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to

the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

108. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

109. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

110. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

111. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied.

112. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied.

113. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

114. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

115. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

116. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

117. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

118. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants,

Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

119. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

120. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

121. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required with respect to the allegations as to Fiserv Solutions, LLC, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

122. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

123. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

124. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

#### **COUNT IV**

#### **INFRINGEMENT OF U.S. PATENT NO. 10,148,659**

125. Defendant states that the '659 Patent speaks for itself. Defendant otherwise denies the allegations set forth in this paragraph.

126. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

127. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

128. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is

required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

129. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

130. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

131. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

132. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

133. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

134. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

135. Denied.

136. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

137. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

138. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants,

Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

139. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

140. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

141. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

142. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

143. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants,



Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

144. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required with respect to the allegations as to Fiserv Solutions, LLC, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

145. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

146. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

147. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

**COUNT V**

**INFRINGEMENT OF U.S. PATENT NO. 10,560,454**

148. Defendant states that the '454 Patent speaks for itself. Defendant otherwise denies the allegations set forth in this paragraph.

149. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and on that basis denies them.

150. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

151. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

152. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

153. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is

required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

154. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

155. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

156. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

157. The allegations of this paragraph that parrot the language of the Asserted Claims consist of conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

158. Denied.

159. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

160. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

161. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

162. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

163. With respect to allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

164. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants,

Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

165. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

166. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

167. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required with respect to the allegations as to Fiserv Solutions, LLC, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

168. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

169. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

170. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

**ADDITIONAL ALLEGATIONS REGARDING INFRINGEMENT**

171. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

172. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

173. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

174. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

175. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

176. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

177. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

178. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

179. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

180. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, Fiserv Solutions LLC admits that it has been aware of the asserted patents since the service of Textile's First Amended Complaint (Dkt. 81) naming Fiserv Solutions, LLC as a party. With respect to any other allegations in this paragraph regarding Fiserv Solutions, LLC, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

181. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

182. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

183. With respect to the allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

184. The allegations of this paragraph set forth conclusions of law to which no response is required. To the extent a further response is required, denied. With respect to the other allegations regarding itself, denied. With respect to the allegations against other Defendants, Fiserv Solutions, LLC lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

#### **JURY DEMAND**

Defendant admits that Plaintiff has requested a jury trial. Defendant also requests a jury trial.

#### **PRAYER FOR RELIEF**

Defendant denies that Plaintiff is entitled to the relief requested or to any other relief.

Defendant denies all allegations of Plaintiff's FAC not specifically admitted above.

#### **DEFENSES**

By alleging the Defenses set forth below, Defendant does not agree or concede that it bears the burden of proof or the burden of persuasion on any of these issues, whether in whole or in part.



**FIRST DEFENSE**

**(Non-Infringement)**

1. Defendant has not infringed and is not infringing, either directly or indirectly, whether literally or under the doctrine of equivalents, whether willfully or not, whether deliberately or not, any valid or enforceable claim of any of the Asserted Patents.

**SECOND DEFENSE**

**(Invalidity)**

2. All of the Asserted Claims of all of the Asserted Patents are invalid for failure to comply with conditions of patentability, including but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112.

**THIRD DEFENSE**

**(No Injunctive Relief)**

3. Plaintiff is not entitled to injunctive relief because Plaintiff has not suffered any injury. Moreover, Plaintiff is not entitled to injunctive relief because any alleged injury to Plaintiff is neither immediate nor irreparable, and Plaintiff has an adequate remedy at law.

**FOURTH DEFENSE**

**(Failure to State a Claim)**

4. Plaintiff's Complaint fails to state any claim upon which relief may be granted.

**FIFTH DEFENSE**

**(Limitation on Damages)**

5. Plaintiff's right to seek damages and other remedies from Defendant is limited, including without limitation, by 35 U.S.C. §§ 286 and 287. Plaintiff's right to seek damages and other

remedies is further limited by its failure to comply with the marking or notice requirements of 35 U.S.C. § 287.

**SIXTH DEFENSE**

**(Lost Profits)**

6. Plaintiff is not entitled to damages in the form of lost profits under 35 U.S.C. § 284.

**SEVENTH DEFENSE**

**(Prosecution History Estoppel and Disclaimer)**

7. By reason of proceedings in the United States Patent and Trademark Office during prosecution of the Asserted Patents, and specifically statements, arguments, amendments, assertions, and/or representations made by or on behalf of the applications for the Asserted Patents, Plaintiff is estopped from construing the claims of the Asserted Patents in any way to cover any product, method, or service of Defendant, including under the Doctrine of Equivalents.

**PRESERVATION OF ADDITIONAL DEFENSES**

8. Defendant reserves any and all additional defenses under the Federal Rules of Civil Procedure, the Patent Laws of the United States (including, without limitation, defenses available under 35 U.S.C. § 282(b)), and any other defenses, at law or in equity, that may now exist or become available in the future based on discovery and further factual investigation in this case, including, without limitation, at least the following defenses: invalidity under at least 35 U.S.C. § 132(a) (for new matter); patent unenforceability due to inequitable conduct; lack of standing; and affirmative defenses based upon the doctrines of waiver, acquiescence, and/or estoppel.

Dated: November 3, 2022

Respectfully submitted,

/s/ J. Stephen Ravel

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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record are being served with a copy of the foregoing document via the Court's CM/ECF system on November 3, 2022.

/s/ J. Stephen Ravel  
J. Stephen Ravel